

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GERROD LONZELL HERNDON,

Plaintiff,

v.

JUDGE SUTRO, et al.,

Defendants.

Case No. 15-cv-05230-HSG (PR)


ORDER OF DISMISSAL

Plaintiff has failed to comply with the Court's order to (1) file a complete application to proceed in forma pauperis ("IFP"), or (2) pay the filing fee of \$400.00. His application lacks two necessary documents: a Certificate of Funds signed by an authorized prison officer (the one submitted was not signed), and a prison trust fund account statement showing transactions for the last six months. Accordingly, this habeas action is **DISMISSED** without prejudice for failure to respond to the Court's order and for failure to prosecute under Federal Rule of Civil Procedure 41(b). Because this dismissal is without prejudice, plaintiff may move to reopen the action. Any motion to reopen must contain (1) a properly completed IFP application, which contains the two documents listed above, or (2) full payment for the filing fee. His IFP applications (Docket Nos. 6, 11) are **DENIED** as insufficient.

The Clerk shall terminate Docket Nos. 6 and 11, enter judgment in favor of defendants and close the file.

IT IS SO ORDERED.

Dated: 2/10/2016


HAYWOOD S. GILLIAM, JR.
United States District Judge